

6. Ownership of Documents: Drawings and specifications as instruments of service are the property of the Architect whether the work for which they are made be executed or not.

7. Successors and Assignments: The City and the Architect each binds itself or himself, its successors and his partners, successors, executors, administrators and assigns, to the other party to this agreement and to the successors, partners, executors, administrators and assigns of such other party in respect of all covenants of this agreement.

Except as above, neither the City nor the Architect shall assign, sublet or transfer his interest in this agreement without the written consent of the other.

8. Compliance with P.W.A. Regulations: The Architect agrees that he will fully comply with the rules and regulations of the Public Works Administration as directed by the State Engineer and shall sign P.W.A. Form No. 61, Certificate of Compliance.

9. Full Performance: The City and the Architect hereby agree to the full performance of the covenants contained herein.

10. This contract is made and executed in lieu of that certain contract entered into between the parties hereto under date of April 5, 1934, which is in all things superseded by this contract. "

The above resolution was read and upon motion of Councilman Wolf the same was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

There being no further business before the Council, Councilman Wolf moved to recess, subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

The Council then recessed.

Attest:

Walter McKeen  
City Clerk

Approved:

Tom Miller  
Mayor.

#### REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 16, 1934.

The meeting was called to order with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. F. Alford, 1.

The Minutes of the last regular meeting were read and upon motion of Councilman Gillis were adopted as read by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$2.50 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of refunding to Mrs. A. F. Giese the amount of

cigarette license paid by her for the year 1934, under License No. 6363.

Upon motion of Councilman Bartholomew, the resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$2.50 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of refunding to J. H. Hudson the amount of cigarette license paid by him for the year 1934, under License No. 6235.

Upon motion of Councilman Gillis, the resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Mayor Miller laid before the Council the following resolution:

APPROVING A LOAN AND GRANT AGREEMENT  
BETWEEN THE CITY OF AUSTIN, TRAVIS  
COUNTY, TEXAS, AND THE UNITED STATES  
OF AMERICA, AND AUTHORIZING ITS EXECU-  
TION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

SECTION 1. THAT the Loan and Grant Agreement between the City of Austin, Travis County, Texas, and the United States of America, under and subject to the terms of which the United States will, by loan and grant not exceeding in the aggregate the sum of \$160,000.00, aid said City of Austin in financing the construction of improvements to its water works system, comprising the construction of approximately four and one-half miles of 20-inch main as primary feeder and approximately two miles of 12-inch main as secondary feeder, all in the City of Austin, Texas, a copy of which Loan and Grant Agreement is filed among the public records of said City of Austin, in the office of the City Clerk of said City, and endorsed by the file mark of said City Clerk with the date of such filing as of August 16, 1934, and made a part hereof, be and the same is hereby in all respects approved.

SECTION 2. THAT Guiton Morgan, as City Manager of said City of Austin, be and he is hereby authorized and directed to execute such Loan and Grant Agreement in triplicate on behalf of the said City of Austin, and the said City Manager of said City of Austin be and he is hereby authorized and directed to impress or affix, or cause to be impressed or affixed, the official seal of the said City of Austin to each of said three copies of said Loan and Grant Agreement, and to cause same to be attested by the City Clerk of said City of Austin.

SECTION 3. THAT the said Guiton Morgan, as City Manager, be and he is hereby authorized and directed to forthwith send three copies of said Loan and Grant Agreement, as executed on behalf of the said City of Austin, to the Federal Emergency Administration of Public Works, Washington, D. C., through the office of the State Engineer, P. W. A., for the State of Texas.

SECTION 4. THAT the said Guiton Morgan, as City Manager, be and he is hereby authorized and empowered, on behalf of the said City of Austin, to request and consent to modifications of or changes in said Loan and Grant Agreement with reference to designation, date, denomination, medium of payment, places of payment and registration or conversion privileges of the bonds to be issued thereunder in order to comply with the requirements of law and of the proceedings taken for the issuance of said bonds, and to execute in the same manner as said Loan and Grant Agreement any further instruments that may be found to be desirable in connection with said modifications or changes.

**SECTION 5.** THAT the said Guiton Morgan, as City Manager, be and he is hereby authorized and directed to forthwith send to said Federal Emergency Administration of Public Works, through the State Engineer for the State of Texas, two certified copies of this Resolution and two certified copies of the proceedings of the City Council of the said City of Austin of record in connection with the adoption of this Resolution, and such further documents or proofs in connection with the approval and execution of said Loan and Grant Agreement as may be required by said Federal Emergency Administration of Public Works.

The above resolution was read and upon motion of Councilman Gillis, seconded by Councilman Bartholomew, the same was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

A resolution granting permit to Thad.A. Thomson, Jr., to construct a commercial driveway on property owned by him at 308-310 East Sixth Street was read. Councilman Bartholomew moved that action on the matter be deferred until the next regular meeting. The motion was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Mayor Miller laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A 6" gas main in HARTFORD ROAD, beginning at a point 24 feet north of and 25 feet east of the intersection of the north line of Niles Road and the west line of Hartford Road; thence in a northerly direction with the centerline of a 6" gas main, the centerline of which gas main shall be 25 feet east of and parallel to the west line of said Hartford Road, for a distance of 204 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Upon motion of Councilman Gillis, the resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.